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Docket No.: 07620006C1

Brian E. JOSEPH

Serial No.: 10/693,458

Group Art Unit: 1744

Filed: October 27, 2003

Examiner: A. BAHTA

Confirmation No.: 2930

For: **THERMAL PROTECTION SYSTEM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Sir:

Attorneys associated with deposit account No. 23-1951 (McGuireWoods LLP) respectfully request a refund of fees in the amount of \$130.00, which was debited from Attorney's deposit account No. 23-1951 (McGuireWoods LLP) in connection with the Statutory Disclaimer fee, for the above-identified application. Please refund the fee amount of \$130.00 directly to Attorney's deposit account No. 23-1951.

**STATEMENT OF FACTS**

The above-identified application was transferred from McGuireWoods LLP October 22, 2004 to Phillip D. Lane. A Power of Attorney to Phillip D. Lane was accepted on November 10, 2004 (copy of Notice of Acceptance of Power Attorney is attached). Phillip D. Lane is no longer associated with McGuireWoods LLP and no longer has rights to our Attorney's deposit account No. 23-1951. Phillip D. Lane filed a Terminal Disclaimer without any authorization to debit our account on or about January 17, 2006 (Terminal Disclaimer and RCE Transmittal attached). On January 23, 2006, the U.S. Patent and Trademark Office deducted \$130.00 from our Attorney's deposit account No. 23-1951 for the above-identified application.

Adjustment date: 02/10/2006 SFELEKEY  
01/23/2006 JTUNSTAL 00000001 231951 10693458  
01 FC:1044 130.00 CR

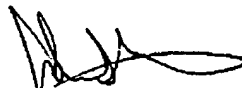
Brian E. JOSEPH  
Serial No.: 10/693,458  
Docket No.: 07620006C1

Because the above-noted application is not associated with McGuireWoods LLP, Phillip D. Lane is not associated with McGuireWoods LLP, no one has authorized the McGuireWoods LLP Account to be debited, the debiting of the account is not proper.

### CONCLUSION

Based on the above, a refund of ~~\$130.00~~ is in order. Please credit Attorney's deposit account No. 23-1951(McGuireWoods LLP) for the amount of \$130.00. Acknowledgement of receipt is respectfully requested.

Respectfully Submitted,



John S. Hilten  
Reg. No. 52,518

Date: January 25, 2006

McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
McLean, VA 22102-4215  
Tel: 703-712-5069  
Fax: 703-712-5196

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McGUIREWOODS

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571.273.6500

Application No.: 10/693,458

Docket No.: 07620006C1

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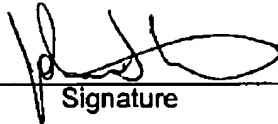
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Telephone Number

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Inventors: Brian E. JOSEPH

Application No.: 10/693,458

Filing Date: October 27, 2003

Confirmation No.: 2830

For: THERMAL PROTECTION SYSTEM

Date: January 25, 2006

Group Art.: 1744

Examiner: A. BAHTA

Atty. Docket: 07620006C1

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Please receive the following via facsimile transmission: 571.273.6500:

1. Request for Refund;
2. Copy of the Notice of Acceptance of Power of Attorney to Philip D. Lane;
3. Copy of the Terminal Disclaimer as filed on January 17, 2006;
4. Copy of the Request for Continued Examination Transmittal (RCE) as filed January 17, 2006; and
5. Copy of the January 2006 Deposit Account Statement with the requested refund marked in red ink.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/693,458	10/27/2003	Brian E. Joseph	07620001C1

48642  
PHILIP DOUGLAS LANE  
P.O. BOX 651295  
POTOMAC FALLS, VA 20165-1295

CONFIRMATION NO. 2930  
\*OC000000014339202\*  
\*OC000000014339202\*

Date Mailed: 11/10/2004


## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

12 CK  
\_\_\_\_\_  
RANDALL H GHOLSON  
1700 (571) 272-1011

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<b>Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent</b>		Docket No. 07620006C1	
Inventor Of: Brian E. Joseph			
Application No. 10/693,458	Filing Date October 27, 2003	Examiner A. Babts	Customer No. 48642 Group Art Unit 1744 Confirmation No. 2930
Invention: Thermal Protection System			
Owner of Record: Touchstone Research Laboratory, Ltd.			
<b>COMMISSIONER FOR PATENTS:</b>			
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,689,470. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p> Signature</p> <p>Dated: December 14, 2005</p> <p>Philip D. Lane Typed or Printed Name</p> <p><input type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>			

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PTO/SB/00 (04-05)

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Application Number	10693458
Filing Date	October 27, 2003
First Named Inventor	Brian E. Joseph
Art Unit	1744
Examiner Name	Abraham Bahta
Attorney Docket Number	07620008C1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Other consider the arguments in the Reply filed on December 14, 2005
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other copy of reply filed - December 14, 2005

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_ I have enclosed a duplicate copy of this sheet.
- i. ☐ RCE fee required under 37 CFR 1.17(e) 01/18/2006 HGUERRA1 00000063 10693458
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 395.00 DP
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 395.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	January 13, 2008
Name (Print/Type)	Philip D. Lane	Registration No.	41,140

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Signature		Date	January 13, 2008
Name (Print/Type)	Philip D. Lane		

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## Deposit Account Statement

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**Name:** MCGUIREWOODS, LLP  
**Attention:** CAROLYN DOEPP/JONI POWELL  
**Address:** 1750 TYSONS BOULEVARD  
**City:** VIENNA  
**State:** VA  
**Zip:** 22102  
**Country:** UNITED STATES OF AMERICA

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01/04	94	11204375		8021	\$40.00	\$9,260.00
01/05	2	ADJUSTMENT		9206	\$5,000.00	\$4,260.00
01/05	4	10133340	6192.0094.BB	1999	\$900.00	\$3,360.00
01/05	77	4655804	2047197-0001	8021	\$400.00	\$2,960.00
01/06	392	11145010	60010002US, 60010003US	8021	\$40.00	\$2,920.00
01/06	393	11198356	60010002US, 60010003US	8021	\$40.00	\$2,880.00
01/06	394	11210106	60010002US, 60010003US	8021	\$40.00	\$2,840.00
01/06	395	11210105	60010002US, 60010003US	8021	\$40.00	\$2,800.00
01/09	30	5908043	2045381-0001	8021	\$80.00	\$2,720.00
01/10	202	11179593	2037153-5011	8021	\$40.00	\$2,680.00
01/13	26	PAYMENT		9203	-\$2,200.00	\$4,880.00
01/13	330	4834718	5032774-0001	8021	\$200.00	\$4,680.00
01/19	13	PAYMENT		9203	-\$2,200.00	\$6,880.00
01/19	246	6148636	2031167-0008	8021	\$120.00	\$6,760.00
01/23	1	10693458	07620006C1	1814	\$130.00	\$6,630.00

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